

Federal Railroad Administration, DOT

§ 214.1

APPENDIX B TO PART 213—SCHEDULE OF CIVIL PENALTIES¹

Section	Violation	Willful violation
Subpart A—General:		
213.4(a) Excepted track ² ...	\$2,500	\$5,000
213.4(b) Excepted track ² ...	2,500	5,000
213.4(c) Excepted track ² ...	2,500	5,000
213.4(d) Excepted track ² ...	2,500	5,000
213.4(e):		
1 Excepted track	5,000	7,500
2 Excepted track	7,000	10,000
32 Excepted track	7,000	10,000
213.7 Designation of qualified persons to supervise certain renewals and inspect track	1,000	2,000
213.9 Classes of track:		
Operating speed limits	2,500	5,000
213.11 Restoration or renewal of track under traffic conditions	2,500	5,000
213.13 Measuring track not under load	1,000	2,000
Subpart B—Roadbed:		
213.33 Drainage	2,500	5,000
213.37 Vegetation	1,000	2,000
Subpart C—Track geometry:		
213.53 Gage	5,000	7,500
213.55 Alignment	5,000	7,500
213.57 Curves; elevation and speed limitations	2,500	5,000
213.59 Elevation of curved track; runoff	2,500	5,000
213.63 Track surface	5,000	7,500
Subpart D—Track surface:		
213.103 Ballast; general ..	2,500	5,000
213.109 Crossties		
(a) Material used	1,000	2,000
(b) Distribution of ties ..	2,500	5,000
(c) Sufficient number of nondefective ties	1,000	2,000
(d) Joint ties	2,500	5,000
213.113 Defective rails	5,000	7,500
213.115 Rail end mismatch	2,500	5,000
213.121 (a) Rail joints	2,500	5,000
213.121 (b) Rail joints	2,500	5,000
213.121 (c) Rail joints	5,000	7,500
213.121 (d) Rail joints	2,500	5,000
213.121 (e) Rail joints	2,500	5,000
213.121 (f) Rail joints	2,500	5,000
213.121 (g) Rail joints	5,000	7,500
213.123 Tie plates	1,000	2,000
213.127 Track spikes	2,500	5,000
213.133 Turnouts and track crossings generally	1,000	2,000
213.135 Switches:		
(a) through (g)	2,500	5,000
(h) chipped or worn points	5,000	7,500
213.137 Frogs	2,500	5,000
213.139 Spring rail frogs	5,000	7,500
213.141 Self-guarded frogs	2,500	5,000
213.143 Frog guard rails and guard faces; gage	2,500	5,000
Subpart E—Track appliances and track-related devices:		
213.205 Derails	2,500	5,000
Subpart F—Inspection:		
213.233 Track inspections	2,000	4,000
213.235 Switch and track crossings inspections	2,000	4,000
213.237 Inspection of rail	2,500	5,000

APPENDIX B TO PART 213—SCHEDULE OF CIVIL PENALTIES¹—Continued

Section	Violation	Willful violation
213.239 Special inspections	2,500	5,000
213.241 Inspection records	1,000	2,000

¹A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a penalty of up to \$20,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

²In addition to assessment of penalties for each instance of noncompliance with the requirements identified by this footnote, track segments designated as excepted track that are or become ineligible for such designation by virtue of noncompliance with any of the requirements to which this footnote applies are subject to all other requirements of part 213 until such noncompliance is remedied.

[53 FR 52924, Dec. 29, 1988]

PART 214—RAILROAD WORKPLACE SAFETY

Subpart A—General

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APPENDIX A TO PART 214—SCHEDULE OF CIVIL PENALTIES

AUTHORITY: 45 U.S.C. 431, 438, as amended; 49 CFR 1.49(m).

SOURCE: 57 FR 28127, June 24, 1992, unless otherwise noted.

Subpart A—General

§ 214.1 Purpose and scope.

(a) The purpose of this part is to prevent accidents and casualties to employees involved in certain railroad inspection, maintenance and construction activities.

(b) This part prescribes minimum Federal safety standards for the railroad workplace safety subjects addressed herein. This part does not restrict a railroad or railroad contractor from adopting and enforcing additional or more stringent requirements not inconsistent with this part.

§214.3 Application.

This part applies to railroads that operate rolling equipment on track that is part of the general railroad system of transportation.

§214.5 Responsibility for compliance.

Any person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad or railroad contractor) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least \$250 and not more than \$10,000 per violation, except that penalties may be assessed against individuals only for willful violations, and where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury, or has caused death or injury, a penalty not to exceed \$20,000 per violation may be assessed. See appendix A to this part for a statement of agency civil penalty policy.

§214.7 Definitions.

(a) *Anchorage* means a secure point of attachment for lifelines, lanyards or deceleration devices that is independent of the means of supporting or suspending the employee.

(b) *Body belt* means a strap that can be secured around the waist or body and attached to a lanyard, lifeline, or deceleration device.

(c) *Body harness* means a device with straps that is secured about the employee in a manner so as to distribute the fall arrest forces over (at least) the thighs, shoulders, pelvis, waist, and chest and that can be attached to a lanyard, lifeline, or deceleration device.

(d) *Competent person* means one who is capable of identifying existing and predictable hazards in the workplace and who is authorized to take prompt corrective measures to eliminate them.

(e) *Deceleration device* means any mechanism, including, but not limited to, rope grabs, ripstitch lanyards, specially woven lanyards, tearing or deforming lanyards, and automatic self-retracting lifelines/lanyards that serve to dissipate a substantial amount of energy during a fall arrest, or otherwise limit the energy on an employee during fall arrest.

(f) *Equivalent* means alternative designs, materials, or methods that the railroad or railroad contractor can demonstrate will provide equal or greater safety for employees than the means specified in this part.

(g) *Free fall* means the act of falling before the personal fall arrest system begins to apply force to arrest the fall.

(h) *Free fall distance* means the vertical displacement of the fall arrest attachment point on the employee's body belt or body harness between onset of the fall and the point at which the system begins to apply force to arrest the fall. This distance excludes deceleration distance and lifeline and lanyard elongation, but includes any deceleration device slide distance or self-retracting lifeline/lanyard extension before they operate and fall arrest forces occur.

(i) *Lanyard* means a flexible line of rope, wire rope, or strap that is used to secure a body belt or body harness to a deceleration device, lifeline, or anchorage.

(j) *Lifeline* means a component of a fall arrest system consisting of a flexible line that connects to an anchorage at one end to hang vertically (vertical lifeline) or to an anchorage at both ends to stretch horizontally (horizontal lifeline), and that serves as a means for connecting other components of a personal fall arrest system to the anchorage.

(k) *Personal fall arrest system* means a system used to arrest the fall of an employee from a working level. It consists of an anchorage, connectors, body harness or body belt, lanyard, deceleration device, lifeline, or combination of these.

(l) *Railroad* means all forms of non-highway ground transportation that run on rails or electro-magnetic guideways, including (1) commuter or other short-haul rail passenger service in a